THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15465 OF 2006

ORAL ORDER:

This writ petition is filed seeking a declaration that the proceedings initiated under Section 3(2) of the A.P. Scheduled Areas (Land Transfer) Regulation 1 of 1959, are arbitrary and illegal.

The only contention raised by the petitioner is that in respect of the very same land proceedings were initiated earlier on three occasions, and the same were disallowed, holding that the possession of the petitioner was not in contravention of Section 3(1) of the Regulations 1 of 1959. Thus, it is contended that it is not open to the 1st respondent to reopen the matter and to initiate fresh proceedings in respect of the very same land.

A perusal of the impugned show cause notice dated 29.4.2006 shows that the proceedings are initiated on the basis of a complaint made by the 2nd respondent herein, a tribal.

Under Section 3(2) of Regulations 1 of 1959, proceedings can be initiated either *suo motu* or on an application made by any person. Since, admittedly, in the earlier three occasions proceedings were initiated on a complaint made by the special Deputy Tahasildar and, now that the proceedings are initiated on the basis of a complaint made by a tribal, who was not a party to the earlier proceedings, I am unable to hold that the proceedings now initiated are bad or illegal. At any rate, since the notice dated 29.4.2006 is a show cause notice, it is always open to the petitioner to submit necessary explanation raising all objections of fact and law, in which event, the 1st respondent will consider the same and pass appropriate orders in accordance with law.

Hence, the writ petition is premature, and the same is accordingly, dismissed. No costs.

The learned counsel for the petitioner, across the Bar, states

that the petitioner has already submitted his explanation, and that he has also participated in the enquiry. If that be so, the 1st respondent shall proceed with the enquiry, and pass appropriate orders in accordance with law.

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(G. ROHINI, J.)

27th July, 2006.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15465 OF 2006

27th July, 2006.

Between:

Kodali Sambasivarao. .. Petitioner.

And

The Special Deputy Collector, Tribal Welfare,
Kotaramachandrapuram, Buttaigudem Mandal,
West Godavari District and another. .. Respondents.